IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

WP(C).No. 35826 of 2007(M)

PETITIONER:

KUNJU KRISHNAN, ANUPAMA,
KALLACHI.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:

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1. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), CALICUT.

2. UNIT INSPECTOR, PURAMERI UNIT, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (G), BADAKARA.

3. A.SAJEEV, MEMBER, MANAGING COMMITTEE, NADAPURAM URBAN CO-OPERATIVE BANK LTD. NO. D 2648, NADAPURAM.

4. M.P.SOOPY, MEMBER, MANAGING COMMITTEE, NADAPURAM URBAN CO-OPERATIVE BANK LTD.NO. D 2648, NADAPURAM.

5. N.K.MOOSA MASTER, MEMBER, MANAGING COMMITTEE, NADAPURAM URBAN CO-OPERATIVE BANK LTD.NO. D 2648, NADAPURAM.

6. SHARAPUNISA.K.K., MEMBER, MANAGING COMMITTEE, NADAPURAM URBAN CO-OPERATIVE BANK LTD.NO. D 2648, NADAPURAM.

7. A.P.KRISHNAN, MEMBER, MANAGING COMMITTEE, NADAPURAM URBAN CO-OPERATIVE BANK LTD.NO. D 2648, NADAPURAM.

8. M.K.NANU, MEMBER, MANAGING COMMITTEE, NADAPURAM URBAN CO-OPERATIVE BANK LTD. NO.D. 2648, NADAPURAM.

R1 & R2 BY SR.GOVT.PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.35826 of 2007-M

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Dated this the 10th day of December, 2007.

JUDGMENT

The learned senior Government Pleader submits, on instructions, that on 26-7-2007, a request for convening a meeting to consider a no-confidence motion was received and that according to the first respondent, there were some defects in that request and on 1-8-2007, it was sent to the Assistant Registrar for enquiry. Thereafter, on 7-11-2007, the second respondent was directed by the first respondent to convene a meeting to consider the no-confidence motion and it is accordingly that Ext.P1 was issued notifying the meeting to consider the no-confidence motion on 12-12-2007. The aforesaid sequence of events will show that the mandate of Rule 43A of the Kerala Co-operative Societies Rules, 1969 has

been violated and no meeting could be held in terms of Ext.P1 since that is beyond 30 days of the receipt of the request. Barring the aforesaid submissions on the basis of the instructions of the first respondent, the second respondent has not entered appearance, though notice was served on him by special messenger and the matter was adjourned thereafter. The writ petition is accordingly allowed quashing Ext.P1.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/